HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.4347, 4355, 11822 and 11838 of 2007

COMMON ORDER:

All the four writ petitions are interconnected. Therefore, they are disposed of through a common order.

Meka Gangaiah and Meka Jaya Ramakrishna are brothers. The first one holds about Ac.7.15 cents of land and his brother holds about Ac.3.50 cents of land in different survey numbers of Chilakalapudi Village of Machilipatnam Mandal, Krishna District. The District Collector, Krishna, published a notification, dated 09.02.2007, proposing to acquire about half of the extents held by those two persons along with the lands belonging to others. The enquiry under Section 5 (A) of the Land Acquisition Act, 1894 (for short 'the Act') was directed. They have submitted their objections also. Taking exception to the conferment of power on the Revenue Divisional Officer to conduct the enquiry, both of them filed Writ Petition Nos. 4347 and 4355 of 2007. However even while the enquiry was in progress, the District Collector, Krishna, published another notification on 03.05.2007 under Section 4(1) of the Act proposing to acquire the remaining extents of land held by the petitioners along with other properties. Raising almost similar objections, they filed Writ Petition Nos. 11822 and 11838 of 2007.

The petitioners contend that it is not at all competent for the Revenue Divisional Officer to conduct enquiry and that there was total lack of application of mind as to the necessity and that the same has resulted in publication of another notification. They contend that the acquisition is motivated.

The respondents filed counter-affidavits opposing the writ petitions.

Heard Sri Y.Ramatirtha, learned counsel for the petitioners and learned Government Pleader of Land Acquisition for the respondents.

It is a matter of record that the notifications under Section 4(1) of the Act were be published at different stages and that the enquiry contemplated under Section 5(A) of the Act is in progress in respect of both of the petitioners. The petitioners have also submitted their objections raising questions of law and fact. They can feel aggrieved if only their objections are not considered and the declarations under Section 6 of the Act are published. On merits, the petitioners cannot seek adjudication thereof even while the matter is pending before the authorities concerned. Therefore, all the writ petitions are disposed of leaving it open to the petitioners to urge all their contentions in the enquiry under Section 5(A) of the Act and pursue their remedies if their grievance subsists after the conclusions thereof. In case, the petitioners insist on personal hearing, the authority conducting the enquiry

shall arrange for the same. There shall be no order as to costs.

JUSTICE L.NARASIMHA REDDY

7th June 2010
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